

July 3, 2007

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PLEASE RESPOND TO:

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The Honorable Gregory M. Sleet
United States District Court
District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

**RE: Fluck v. Bella Vista, et. al.
Docket No. 1:06-CV-188 GMS**

Dear Judge Sleet:

I am writing in response to Stephen P. Casarino's June 29, 2007 letter to your Honor requesting an extension of the deadline for filing case dispositive motions. The Scheduling Order entered on the record in this case on December 5, 2006 provides that case dispositive motions were to be filed no later than June 21, 2007. Two such motions were, in fact, filed on or before that date.

Without providing the Court in this letter with a full recitation of the opinions of the expert witnesses retained by the Plaintiff and by Defendant Bella Vista Development LLC, suffice it to say that Plaintiff's expert, in an opinion letter dated April 30, 2007, offered the opinion that the condition on the premises violated applicable standards and created a deceptive and dangerous condition that caused the Plaintiff's fall. Bella Vista Development LLC's expert, in an opinion letter dated May 23, 2007, offered the opinion that the premises met the requirements of the building code as well as other model codes.

Discovery in the case began over one year ago. The undersigned counsel is unaware of any reason that the deposition of any individual, including that of the building inspector, could not have taken place at an earlier date. The undersigned is also unaware of any effort having been made to schedule such deposition at an earlier date; the deposition which was conducted on June 22, 2007 was actually noted by Roger A. Akin, Esq., counsel for Defendant William J. Mitchell, not by Mr. Casarino or his client.

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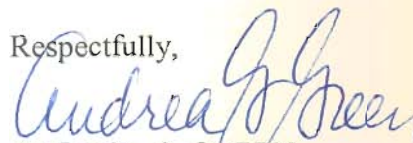
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The Honorable Gregory M. Sleet
7/3/2007
Page 2

For the above-stated reasons, Plaintiff respectfully requests that this Court deny the June 29, 2007 request to extend the deadline for the filing of case dispositive motions.

Thank you for your consideration of this matter.

Respectfully,



ANDREA G. GREEN
Attorney at Law

AGG/mlk

cc: Robert K. Pearce, Esquire
Roger A. Akin, Esquire
Stephen Casarino, Esquire
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